

SUNRISE, FLORIDA

ORDINANCE NO. 153-08-C

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA AMENDING ORDINANCE 153-08-A WHICH AMENDED CHAPTER 3 "ALCOHOLIC BEVERAGES," TO CREATE ARTICLE 1 "ALCOHOLIC BEVERAGES", AND AMENDED SECTION 3-4 "HOURS OF SALE, CONSUMPTION, AND SERVICE PROHIBITED" TO RESTRICT THE HOURS IN WHICH THE ON-PREMISES SALE, SERVICE, AND CONSUMPTION OF ALCOHOL ARE PERMITTED, IN ORDER TO EFFECTUATE THE INTENT OF THE CITY COMMISSION AND CORRECT A SCRIVENER'S ERROR; PROVIDING THAT ALL OTHER PROVISIONS OF ORDINANCE 153-08-A AND THE CODE OF ORDINANCES OF THE CITY OF SUNRISE, FLORIDA, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is within the police power of the City to regulate the hours of service of alcohol as permitted by Florida law, in the interest of the health, safety and general welfare of the residents of the City; and

WHEREAS, the late-night sale, service and consumption of alcohol creates public health, safety, and welfare concerns; and

WHEREAS, the City Commission of the City of Sunrise, Florida ("the City Commission"), recognizing that Section 562.45, Florida Statutes, allows municipalities to restrict the hours of sale, service, and consumption of alcoholic

beverages, adopted Ordinance 153-08-A, in order to restrict the hours of on-premises sale, service, and consumption of alcoholic beverages throughout the City, except for those permitted through an extended hours license; and

WHEREAS, during the discussion of Ordinance 153-08-A on its first reading on January 8, 2008, the City Commission stated its intent to restrict the on-premises sale, service, and consumption of alcoholic beverages to the hours between 7:00 a.m. and 12:00 a.m. each day throughout the City, unless the establishment holding an alcoholic beverage license has been granted an extended hours license pursuant to Article 2 of Chapter 3; and

WHEREAS, the revisions to Ordinance 153-08-A for second reading included a scrivener's error which resulted in the failure to delete a provision allowing establishments located in the Western Sunrise Area to be exempt from the 12:00 AM restriction on on-premises sale, service, and consumption of alcoholic beverages; and

WHEREAS, in order to effectuate the intent of the City Commission, it is in the best interest of the citizens and residents of the City of Sunrise to adopt a corrective Ordinance to reflect the language intended by the City Commission; and

WHEREAS, the City's local planning agency has reviewed this Ordinance and recommended its approval to the City Commission; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing; and

WHEREAS, the City Commission held a public hearing, pursuant to the published notice described above, at which all citizens so desiring had an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Ordinance 153-08-A is hereby corrected in order to effectuate the intent of the City Commission by amending Chapter 3 "Alcoholic Beverages", Article 1 "Alcoholic Beverages", Section 3-4 "Hours of sale, consumption and service restricted" of the City's Code of Ordinances to read as follows:

Article 1 "Alcoholic Beverages"

* * *

Sec. 3-4. Hours of sale, consumption and service restricted.

* * *

(b) *Hours of sale, service, and consumption on the premises.* Unless otherwise provided, no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding an alcoholic beverage license for consumption on the premises except during the following hours: between 7:00 a.m. and 12:00 a.m., unless the place holding an alcoholic beverage license has been granted an extended hours license pursuant to Article 2 of this Chapter ~~or is located in the Western Sunrise Area as defined in Section 16-82.~~

~~(c) *Hours of sale, service, and consumption for places in the Western Sunrise Area.* Unless otherwise provided, no alcoholic beverages may be sold, consumed, served, or permitted to be served~~

~~or consumed in any place holding an alcoholic beverage license for consumption on the premises in the Western Sunrise Area except during the following hours:~~

~~(1) Sunday through Thursday, between the hours of 7:00 a.m. and 2:00 a.m. the following morning;~~

~~(2) Friday and Saturday, between 7:00 a.m. and 3:00 a.m. the following morning.~~

Section 3. Other Provisions. Except as amended above, all other provisions of Ordinance 153-08-A and the Code of Ordinances of the City of Sunrise, Florida, shall remain in full force and effect.

Section 4. Conflict. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are repealed.

Section 5. Severability. If any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Inclusion in the City Code. The provisions

of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Sunrise, Florida, the sections of the Ordinance may be renumbered or relettered to accomplish such intentions, and the word "Ordinance" shall be changed to "Section," "Article" or other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect immediately at the time of its passage and adoption.

PASSED AND ADOPTED upon this first reading this 18TH day of MARCH, 2008.

PASSED AND ADOPTED upon this second reading this 8TH day of APRIL, 2008.

Mayor Steven B. Feren

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: ROSEN
SECOND: ALU

ALU: YEA
WISHNER: YEA
ROSEN: YEA
SCUOTTO: YEA
FEREN: YEA

SECOND READING

MOTION: WISHNER
SECOND: ROSEN

ALU: YEA
WISHNER: YEA
ROSEN: YEA
SCUOTTO: YEA
FEREN: YEA

Approved by the City Attorney
As to Form and Legal Sufficiency

Kimberly A. Register